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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,327	12/04/2001	Andre Colens	COL 207	6990

9629 7590 05/17/2005

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WASHINGTON, DC 20004

EXAMINER
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PETRAVICK, MEREDITH C

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/009,327	COLENS, ANDRE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Meredith C Petravick	3671	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12,14-16,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 12,14-16,22 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12, 14-16, 20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colens 6,321,515 in view of EP 324322 (Elia), cited by applicant.

Colens discloses a robotic lawn mower with a chassis (1) and a cutting attachment (3). The cutting attachment is connected to the chassis by a suspension (Fig. 1). The cutting attachment includes a motor (Column 2, lines 59-60). Colens states, "The cutting heads can be of the type described in the patent application PCT WO 96/242431." PCT WO 96/242431 discloses a cutting head with a cutting disk (4) on a shaft (3). The cutting disk has blades (5) mounted on the outer edges. However, Colens fails to disclose providing a bottom plate with extensions for guarding the blade against foreign objects.

Like Colens, Elia discloses a device for cutting vegetation that includes a cutting attachment. Unlike Colens, Elia discloses a bottom guard plate under the cutting disk. The bottom guard plate (6) is connected to a pin (15) and bearings (167) between the disk and plate. The guard plate includes coplanar extensions (between recesses 7) that extend out beyond the cutting blade (Column 2, lines 43-44). The extensions keep foreign objects away from the blade. Elia states, "The protective disc 6 prevents the blade 3 from contacting the body of the operator

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or obstacles directly whilst enabling material which can penetrate the recesses 7 to be cut.

(Column 3, lines 20-24).” The disk is capable of keeping golf balls away from the disk and to lift the cutter disk.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the cutting attachment of Colens with a guard of plate as in Elia, in order to prevent the cutting blade from impacting foreign obstacles.

In regards to claim 14, the extensions in Elia are prong with a rounded profile making hollows and tips.

In regards to claim 15, the spacing between the extensions is a design choice based on the type and size of the objected that is unwanted near the blade. The specification lacks criticality for the space between the extensions.

In regards to claim 16, Elia shows 11 extensions in Figure2.

In regards to claims 22-23, the mower in Colens is a robotic mower for use on a golf course (Column 1, lines 22-25), which will have golf balls on it as objects.

### ***Response to Arguments***

3. Applicant's arguments filed 11/29/2004 have been fully considered but they are not persuasive.

In response to applicant's argument that Elia is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

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F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the are both in the field of applicant's endeavor since they are both tools for cutting grass with a rotating blade.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Meredith C Petravick  
Primary Examiner  
Art Unit 3671

May 11, 2005